

# Calendar No. 1377

77TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
No. 1337

WALTER B. WILLIAMS, JR.

MAY 14, 1942.—Ordered to be printed

Mr. CAPPER, from the Committee on Claims, submitted the following

## REPORT

[To accompany H. R. 3201]

The Committee on Claims, to whom was referred the bill (H. R. 3201) for the relief of Walter B. Williams, Jr., having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts are fully set forth in House Report No. 2000, Seventy-seventh Congress, second session, which is appended hereto and made a part of this report.

[H. Rept. No. 2000, 77th Cong., 2d sess.]

The Committee on Claims, to whom was referred the bill (H. R. 3201) for the relief of Walter B. Williams, Jr., having considered the same, report favorably thereon with an amendment and recommend that the bill, as amended, do pass.

The amendment is as follows:

At the end of the bill add:

“: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.”

The purpose of the proposed legislation is to pay to Walter B. Williams, Jr., the sum of \$1,250 for personal injuries sustained on March 7, 1940, when the car in which he was riding was struck by a United States Army truck, near Haddock, Ga.

### STATEMENT OF FACTS

On March 7, 1940, a convoy of Army trucks on official business was proceeding west on State Highway No. 22, approximately 3½ miles west of Haddock, Ga.; that the said highway at this point is narrow paved concrete, approximately 19 feet wide, with wide shoulders; that the second truck in the convoy, without hand signal, made a left turn, at an angle of about 45°, on the crest of a hill, to

enter a service station on the south side of the highway, in order to get more air in the right rear tire; that a Ford coupe driven by Mr. Walter B. Williams, Jr., was proceeding in the opposite direction; that Mr. Williams was traveling at a speed of about 50 miles per hour on his proper side of the highway, and had just reached the crest of the hill, and was approximately 30 yards from the said Government truck as it pulled out of line to the left of the highway. Mr. Williams applied his brakes and skidded approximately 30 yards with the right wheels off the paved portion of the highway the entire distance.

Before coming to a stop, Mr. Williams struck the Government truck on the right rear side of the cab; that as a result of the accident, he was taken to the Baldwin Memorial Hospital and medical report shows his condition as follows:

"Mr. Williams sustained numerous contusions and lacerations to his face. There are three large lacerations which required suturing. One is located over his left eye, one over the bridge of his nose, and the third to the right of his right eye. He had numerous brush burns and contusions all over his face. There is a laceration of the right knee which required suture. Mr. Williams, in my opinion, has suffered no injury from which he will not recover. He will, however, have scars on his face at the site of the three large cuts. As a result of these injuries, Mr. Williams has suffered intensely."

The War Department, in report dated August 13, 1940, recommends:

"While the War Department is not prepared to pass on the amount that should be allowed under the circumstances, the Department recommends favorable consideration be given to the proposed legislation in such amount as the Congress may deem proper to allow."

Your committee, after carefully considering the facts of the case, is of the opinion that, in view of the injuries sustained by Mr. Williams, which will result in three permanent scars, the sum asked for in H. R. 3201 is not excessive and should be approved. Appended hereto is the report of the War Department, together with other pertinent evidence, as follows:

WAR DEPARTMENT,  
Washington, August 13, 1940.

HON. AMBROSE J. KENNEDY,  
Chairman, Committee on Claims,  
House of Representatives, Washington, D. C.

DEAR MR. KENNEDY: Careful consideration has been given to the bill H. R. 9108, Seventy-sixth Congress, third session, for the relief of Walter B. Williams, Jr., which you transmitted to the War Department under date of April 2, 1940, with request for information and the views of the Department relative thereto.

The purpose of the proposed legislation is to pay the sum of \$1,250 to Walter B. Williams, Jr., of Haddock, Ga., in full settlement of his claim against the United States for personal injuries suffered by him on March 7, 1940, when he was injured as a result of a collision with one of the trucks of the United States Army, near Haddock, Ga.

On March 7, 1940, at about 10 a. m., a convoy of Army trucks on official business was proceeding west at an undetermined rate of speed on State Highway No. 22, approximately  $3\frac{1}{2}$  miles west of Haddock, Ga. The said highway at this point is narrow paved concrete, approximately 19 feet wide, with wide shoulders. The second truck in the convoy, without a hand signal, made a left turn at an angle of about  $45^\circ$  on the crest of a hill to enter a service station on the south side of the highway in order to get more air in the right rear tire. A Ford coupe driven by Mr. W. B. Williams, Jr., Haddock, Ga., was proceeding in the opposite direction (easterly) on the aforesaid highway at the same time. Mr. Williams was traveling at a speed of approximately 50 miles per hour on his proper side of the highway and had just reached the crest of the aforesaid hill and was approximately 30 yards from the said Government truck as it pulled out of line to the left of the highway. Mr. Williams applied his brakes and skidded approximately 30 yards, with the right wheels off the paved portion of the highway the entire distance. Before coming to a stop Mr. Williams' car struck the Government truck on the right rear side of the cab. At the time of the impact the front part of the truck had crossed the paved portion of the highway but the rear of the truck extended approximately 5 feet on the paved portion of the road.

On the date of the accident the weather was clear and the pavement was dry. Both vehicles were subsequently tested and the brakes were found to be in good working order.

As a result of this accident Mr. Williams was taken to the Baldwin Memorial Hospital, Milledgeville, Ga., and a medical report from this hospital on March 13, 1940, as to the condition of Mr. Williams on that date is set out below:

"This is to state that Mr. Walter Williams, Jr., of Haddock, Ga., is under treatment for injuries sustained in an automobile accident on March 7, 1940. Mr. Williams sustained numerous contusions and lacerations to his face. There are three large lacerations which required suturing. One is located over his left eye, one over the bridge of his nose, and the third to the right of his right eye. He had numerous brush burns and contusions all over his face. There is a laceration of the right knee which required suture. Mr. Williams, in my opinion, has suffered no injury from which he will not recover. He will, however, have scars on his face at the site of the three large cuts. As a result of these injuries, Mr. Williams has suffered intensely."

Mr. Williams submitted a claim to the War Department in the amount of \$1,250 for personal injury and \$600 for property damage. The claim for property damage has been approved by the Secretary of War under the act of December 28, 1922 (42 Stat. 1066) in the amount of \$429 as one growing out of the negligence of an officer or employee of the Government acting within the scope of his employment in that the Government driver turned to the left across the highway in the path of Mr. Williams' approaching car without first assuring himself that such movement could be made in safety. Mr. Williams has indicated his willingness to accept this amount in full settlement of his property damage claim, and this claim will be submitted to the Congress under the above-cited act for an appropriation to pay the same. The claim for personal injury was necessarily disapproved for the reason that there is no provision of law or appropriation available to the War Department for the settlement of claims for personal injuries except in a very restricted class of cases involving Army aircraft.

It is the view of the War Department that the cause of the personal injuries resulting to Mr. Williams which is the subject of the proposed bill was likewise due to the negligence of the driver of the Government truck in question.

While the War Department is not prepared to pass on the amount that should be allowed under the circumstances, the Department recommends that favorable consideration be given to the proposed legislation in such amount as the Congress may deem proper to allow.

Sincerely yours,

HENRY L. STIMSON,  
*Secretary of War.*

APRIL 9, 1940.

*To Whom It May Concern:*

This is to certify that on March 7, 1940, there occurred an accident in front of Morton's filling station, which is located about 3½ miles southwest from Haddock, Ga., on State Highway No. 22, the parties concerned being Mr. Walter B. Williams, Jr., of Haddock, Ga., and an Army truck, member of a convoy, en route from Fort Monmouth, N. J., to Fort Benning, Ga. Mr. Williams was traveling east, the Army truck traveling west; Morton's filling station is located on south side of highway.

Mr. Williams was driving a new 1940 Ford de luxe coupe. As the Ford neared Morton's filling station the driver of the Army truck, without signal, pulled out of convoy of trucks to the left toward Morton's filling station. Mr. Williams, the driver of the Ford, immediately applied his brakes and pulled to the right; the driver of the Army truck continued toward Morton's filling station which caused the collision. Both the Army truck and the Ford were on Mr. Williams' side of the highway, and on the highway after the accident. Mr. Williams suffered several severe cuts on his face, nose, and leg, all of which left scars. I understand that Mr. Williams is going to be forced to have an operation on one of the scars near his right eye and possibly further complications.

Mrs. V. E. BOYETTE.

Sworn to and subscribed to before me this the 9th day of April 1940.

[SEAL]

G. A. SMITH.

APRIL 9, 1940.

*To Whom It May Concern:*

This is to certify that on March 7, 1940, there occurred an accident at Morton's Filling Station, located about 3½ miles southwest from Haddock, Ga., the accident being between Mr. Walter B. Williams, Jr., of Haddock, Ga., and an Army truck. I was in the above-mentioned filling station at the time that the accident occurred, and when I heard the crash I rushed out to see what had happened. When I reached the accident I found that Mr. Williams had hit the side of an Army truck. At this time both the Army truck and Mr. Williams' car were on Mr. Williams' side of the highway and on the highway. The driver of the Army truck had tried to pull across the highway. The front of the truck was across the highway but the rear where Mr. Williams hit was still in the road.

Mr. Williams secured three severe cuts in his face and one severe cut on his leg all of which left scars.

GEORGE B. SLOCOMB.

Sworn to and subscribed to before me this 9th day of April 1940.

[SEAL]

G. A. SMITH.

APRIL 9, 1940.

*To Whom It May Concern:*

This is to certify that on March 7, 1940, there occurred an accident between Mr. W. B. Williams, Jr., of Haddock, Ga., and an Army truck. The accident had happened when I arrived, but neither the Ford car driven by Mr. Williams nor the Army truck had been moved. Both the Army truck and Mr. Williams' car were on Mr. Williams' side of the highway and on the highway. The front of the Army truck was off of the highway but the rear end where Mr. Williams' car hit was still out in the highway.

EVANS MORGAN.

Sworn to and subscribed to before me this the 9th day of April 1940.

[SEAL]

G. A. SMITH.

APRIL 10, 1940.

*To Whom It May Concern:*

This is to certify that I arrived at Morton's filling station on State Route No. 22, located about 3½ miles west of Haddock, Ga., about 20 minutes after the accident of car driven by Mr. W. B. Williams, Jr., and an Army truck, which was one of a convoy of Army trucks traveling westward.

When I arrived at the scene of the collision, both the car and truck had been removed from the highway, but it was plainly visible on the pavement as to where the car and truck collided, the spot being marked by plain marks of skidding tires on the pavement. These marks showed plainly that the collision occurred on the left-hand side of the highway, going west, which was the direction the Army truck was traveling.

I examined the Army truck and it was plainly marked on the right-hand side, and the Ford coupe, driven by Mr. Williams, was battered on the right-hand side. These marks show plainly that the Army truck was on the left-hand side of the road at something like a 45° angle. The Army truck showed very little damage, as it was of heavy steel construction, but the car driven by Mr. Williams looked almost a total wreck.

L. D. JAMES.

The above statement sworn to before me this the 10th of April 1940.

[SEAL]

G. A. SMITH.

BALDWIN MEMORIAL HOSPITAL,  
Milledgeville, Ga., April 8, 1940.

*To Whom It May Concern:*

This is to state that Mr. Walter Williams, Jr., of Haddock, Ga., is under treatment for injuries sustained in an automobile accident on March 7, 1940. Mr. Williams sustained numerous contusions and lacerations on his face. There are three large lacerations which required suturing. One is located over his left eye, one over the bridge of his nose, and the third to the right of his right eye. He had numerous brush burns and contusions all over his face. There is a laceration on the right knee which required suture. Mr. Williams, in my opinion, has suffered no injury from which he will not recover. He will, however, have scars on his face at the site of the three large cuts. As a result of these injuries, Mr. Williams has suffered intensely.

RICHARD BINION, M. D.

W. B. WILLIAMS & SON,  
Haddock, Ga., April 10, 1940.

This is to certify that on March 7, 1940, that I was traveling in an eastward direction on Highway No. 22 between Gray and Haddock, and that I met an Army convoy traveling westward. One of these Army trucks pulled out of the line of trucks and across highway attempting to get to a filling station; when he pulled out of the line and on to my side of the highway I applied my brakes but it was too late to avoid the collision. After the accident both my car and the Army truck were on my side of the highway and both were on the highway. In the collision my automobile was almost completely demolished. In the accident I received three large cuts in the face and one large cut on my leg. All of these cuts have left scars. I was first treated by an Army doctor at the place of the accident and then carried to the hospital in Milledgeville where I was treated by Dr. Benion.

W. B. WILLIAMS, Jr.

Sworn to and subscribed to before me this 10th day of April 1940.

[SEAL]

G. A. SMITH,  
Notary Public, Jones County, Ga.

MILLEDGEVILLE, GA., June 6, 1941.

Mr. Walter Williams in account with Dr. Richard Binion, Baldwin Memorial Hospital, for professional service:

Mar. 7, 1940, first aid.....	\$20
Mar. 9, 1940, office visit.....	2
Mar. 11, 1940, office visit.....	2
Mar. 13, 1940, office visit.....	2
Mar. 15, 1940, office visit.....	2
Mar. 18, 1940, office visit.....	2
Mar. 19, 1940, office visit.....	2
Apr. 8, 1940, office visit.....	2
Total.....	34

JONES COUNTY BANK,  
Haddock, Ga., July 22, 1941.

STATE OF GEORGIA,  
Jones County:

On this the 22d day of July 1941, personally appeared before me, a notary public in and for the county and State aforesaid, G. A. Smith, who, being duly sworn, deposes and states on the 7th day of March 1940, W. B. Williams was employed by the Jones County Bank, of Haddock, Ga., and that the said Smith is familiar

with the results of accident caused by Army truck with said Williams. The said Smith further states that Williams lost about 30 days from his work and that several scars were noticeable after the accident and that at the present writing one of said scars is more pronounced than immediately after accident. The said W. B. Williams was drawing a salary of \$75 per month at time of said accident. He was also drawing a salary from his father, W. B. Williams, Sr., and was also carrying on an insurance business, all of which were impaired by said accident.

Sworn to and subscribed to before me at Haddock, Ga., this the 22d day of July 1941.

Attest:  
[SEAL]

G. A. SMITH.

J. W. BONNER,  
Notary Public, Jones County, Ga.

W. B. WILLIAMS & SON,  
Haddock, Ga., July 24, 1941.

STATE OF GEORGIA,  
Jones County:

On this the 24th day of July 1941, personally appeared before me, W. B. Williams, Sr., to me known personally, who, being duly sworn, deposes and states under oath the following:

That on the 7th day of March 1940, his son, W. B. Williams, Jr., was injured in an automobile accident—said accident being caused by the car which W. B. Williams, Jr., was driving hitting an Army truck that pulled across the road in front of him.

That as a result of said accident W. B. Williams, Jr., sustained several severe scars, of which several will remain with him for life, in addition to severe bruises and lacerations which have since healed.

That the said W. B. Williams, Jr., was drawing a salary of \$100 per month as salary from him and that he was also engaged in writing insurance of every kind and that he was out of work about 30 days at a total loss of salary drawn by him from the bank and from said W. B. Williams, Sr., and also considerable loss in insurance accounts.

That said W. B. Williams, Jr., was put to considerable expense by physician and by transportation to and from said physician's office.

That the scars are very pronounced and will remain with him for life and further that one of the scars is, today, worse than it was immediately after the accident.

W. B. WILLIAMS, Sr.

Attest:  
[SEAL]

G. A. SMITH,  
Notary Public, Jones County, Ga.

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